

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 SAMUAL BROWN,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of
10 Social Security,

11 Defendant.

Case No. 11-5301 RJB-KLS

REPORT AND RECOMMENDATION

12 This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.
13 § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W.
14 v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for
15 remand. (ECF #14). After reviewing the parties' stipulated motion and the remaining record, the
16 undersigned recommends that the Court grant the parties' motion, and remand this matter to the
17 Commissioner for further proceedings.

18 This Court recommends that on remand the Appeals Council will remand the matter to an
19 administrative law judge ("ALJ") who shall afford the plaintiff a de novo hearing. This Court
20 shall retain jurisdiction over this action pending further administrative development of the record
21 pursuant to 42 U.S.C. § 405(g).

22 If the outcome is still unfavorable to Plaintiff, he may seek judicial review by reinstating
23 this case rather than by filing a new complaint.
24
25
26

1 Given the fact of the parties' stipulation, the Court recommends that the District Judge
2 immediately approve this Report and Recommendation and order the case **REVERSED** and
3 **REMANDED**. A proposed order accompanies this Report and Recommendation.

4 DATED this 1st day of August, 2011.

5
6 
7 Karen L. Strombom
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26